

FAX

To: Mr. Victor A. Cardona (Reg. No. 44,589)

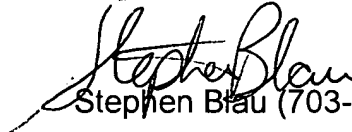
From: Stephen Blau (Patent and Trademark Office-Art Unit 3711)

Date: 04 March 2003

Pages: This page and two others.

Subj: 10/072,429 Docket No. 1759.071

This case contains species. Please review the attached sheet and call back to elect the species the applicant wishes to be examined. If I don't hear from you in two business days I will send this election requirement out in the mail. Thank you.


Stephen Blau (703-308-2712)

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Group I (Type of Set)

- a. Species 1 (Figs. 1, 8 /number of recesses decrease as club number increases): Claims 2, 5, 11 and 12.
- b. Species 2 (Fig. 4/ Volume of recesses decrease as club number increases in the form of diameter decreasing): Claims 2, 6, and 10-11.
- c. Species 3 (Fig. 4/ number of recesses decrease as club number increases): Claims 2, 6, and 12.
- d. Species 4 (Figs. 5-7): Claims 3-4, 11 and 14.
- e. Species 5 (Fig. 9): Claims 2 and 5.
- f. Species 6 (Fig. 10/ distance separating recesses increases as club number increases): Claims 2, 5, and 9.
- g. Species 7 (Fig. 10/ distance separating recesses decreases as club number increases): Claims 2, 5, and 10.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1 and 7-8 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims

are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.